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Senate

The Senate met at 8:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, ruler of all nature, enlist our strength today to make a good and just world. Give us moral courage that will produce clear thinking and clean living. Stimulate our minds so that our affections will reside in heavenly places. Lord, lead us so surely that one day we may stand before You unashamed. Give Your Senators today fresh vigor to meet the challenges of our time. Give them Your wisdom to choose the hard right. May we never think of You as absent from our world. We pray in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

SCHEDULE

Mr. SANTORUM. Mr. President, this morning the Senate will resume consideration of the House message accompanying S. 3, the partial-birth abortion ban bill. The Senate will continue that debate until 10:30 this morning. At 10:30, the Senate will begin consideration of the Interior appropriations bill. Amendments are expected on that legislation. Therefore, rollcall votes will occur throughout the day.

In addition, the Senate may consider judicial nominations that are on the Executive Calendar cleared for action. Therefore, if necessary, rollcall votes will be scheduled on those nominations throughout the day as well.

I thank all Members for their attention.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

PARTIAL-BIRTH ABORTION BAN ACT OF 2003

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3, which the clerk will report.

The assistant legislative clerk read as follows:

Message from the House of Representatives to accompany S. 3, an act to prohibit the procedure commonly known as partial-birth abortion.

The PRESIDENT pro tempore. Under the previous order, the time until 10:30 a.m. will be equally divided between the Senator from Pennsylvania, Mr. SANTORUM, and the Senator from California, Mrs. BOXER, or their designees. The Senator from California.

Mrs. BOXER. I thank the Chair.

Mr. President, I thank my colleague for agreeing to a time split this morning where I will speak for 30 minutes and, at the end of that time, Senator SANTORUM will speak for 30 minutes, and then we each expect to have other Senators speaking. We will figure out at that point how to divide the time.

We are here this morning because there is a strong disagreement between the House and the Senate on the issue of Roe v. Wade, a Supreme Court decision that occurred in 1973 which ruled that it was unconstitutional to take away a woman's right to choose and that found a privacy right in the Constitution.

The Senate has gone on record several times supporting the Roe decision. In S. 3, the bill that was brought to us by the Senator from Pennsylvania and others, which for the first time banned an approved medical procedure—the first time ever—without a health exception, Senator HARKIN added an amendment to support Roe. I will show you what that amendment was and what the debate is about.

Senator HARKIN's language in S. 3 that was disagreed to by the House is the following:

It is the sense of the Senate that—

(1) the decision of the Supreme Court in Roe v. Wade—

And it cites the ruling—

was appropriate and secures an important right; and

(2) such decisions should not be overturned.

This is the simple language that the Senator from Iowa, who spoke quite eloquently last night, made part of S. 3.

The Senate had a debate about the Harkin amendment. It was an extensive debate about why it is important that a woman's right to choose remain the law of the land, why it is important that the Court not overturn it.

The House, which says it very much wants to ban the procedure that is banned in S. 3 without a health exception, could have simply taken the Senate bill and sent it off to the President, and we would have had the argument about this underlying bill in the Supreme Court, where it is going to go, by the way, where I believe it will be ruled unconstitutional because the centerpiece of Roe is that a woman's health and life must always be protected.

Let's look at the language in Roe which provides for the woman's health to always be protected and why, to those of us who believe Roe v. Wade was rightly decided, it is so important.

The important point about Roe, which people sometimes don't get, is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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